

CHAPTER 10. VIOLATIONS AND PENALTIES

SUBCHAPTER 3. SALARY DISAPPROVAL

- 4A:10-3.1. General provisions
- 4A:10-3.2. Penalties and remedies

4A:10-3.1 General provisions

(a) The Commissioner, the Board or an authorized representative of the Department of Personnel may disapprove and order the payment stopped of the salaries of any person employed in violation of Title 11A, New Jersey Statutes, Title 4A, N.J.A.C., or an order of the Commissioner or Board, the individual with employment authority over such person and the person who authorizes payment of a disapproved salary.

(b) A notice of salary disapproval shall be given to the appointing authority, the affected employee and other persons whose salaries are to be disapproved.

1. The notice shall state the nature of the violation and provide the appointing authority, the affected employee and other affected persons 10 days to respond to the notice of salary disapproval.

2. A review conference may also be held at a time and location specified by the Department of Personnel.

(c) If the issue which required the notice of salary disapproval has not been resolved, a salary disapproval order shall be issued.

1. The order shall state the nature of the violation and require payment stopped to the affected employee.

2. The order may also require payment stopped to the individual with employment authority over such employee and the person who authorized payment of the disapproved salary.

3. The order shall be mailed to the appointing authority, the affected employee, the persons whose salaries have been disapproved and in State service, the Department of the Treasury.

4. The appointing authority, the affected employee and other persons whose salaries have been disapproved may appeal the order to the Merit System Board within 20 days of receipt of the order. See N.J.A.C. 4A:2-1.1 et seq., for appeal procedures.

5. If the violation has not been corrected and no appeal has been timely filed, the matter shall be referred to the Board for review and any appropriate action pursuant to law or rule.

4A:10-3.2 Penalties and remedies

(a) In salary disapproval matters, the Commissioner or the Board may:

1. Disapprove the payment of salary to an employee hired in violation of Title 11A, New Jersey Statutes, and Title 4A, N.J.A.C.;

2. Disapprove the payment of salary to persons who have approved or continued the payment of a disapproved salary or persons who have employment authority over an employee whose salary has been disapproved;

3. Order the appointment of an eligible from an outstanding certification;

4. Revive an employment list;

5. Assess costs, charges or fines pursuant to > N.J.S.A. 11A:10-3;

6. Initiate a civil action in the Superior Court; and

7. Take other appropriate actions pursuant to law or rule.